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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/178,329	10/23/1998	MICHAEL R. NOWAK	053649-0003	4360

20572 7590 11/06/2002
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EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 11/06/2002

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/178,329

Applicant(s)

NOWAK ET AL.

Examiner

Monique R Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. The response and declaration filed 8/13/02 have been entered. Claims 1, 5-6 and 8-12 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

3. Claim 8 is objected to because of the following informalities: "acrlyic" and "nylone" are misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. Claims 1, 5, 6, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lacy (USPN 3,480,464.) Lacy teaches a wrapping or packaging material comprising an extrusion coated paper wherein the a polyolefin layer is extruded onto a paper substrate and then a thin layer of metal is vapor deposited on the polyolefin layer (Abstract; Col. 4, lines 10-55.) Lacy teaches that the any type of paper and paper thickness can be employed as the substrate such as processed papers like Kraft paper and that the polyolefin layer is preferably polyethylene (Col. 3, lines 3-72.) Lacy teaches that the paper, polyolefin or metal layer can be provided with beneficial adhesion promoting agents such as a coating layer of PEI (Col. 4, line 64-Col. 5, line 9.) Lacy further teaches examples comprising a paper having a basis weight within the instantly claimed range, a polyethylene extruded layer on the paper having a PEI adhesion promoting layer on the surface and metallizing the polyethylene layer (Examples.)
5. Claims 1, 5, 6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Eberl (USPN 3,010,860.) Eberl teaches a composite wrapping material comprising a paper base sheet

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with a basis weight of 16-32 lb ream weight, coated with an adherent hot melt wax coating and then covered with a synthetic resin sheet such as polyethylene or polypropylene wherein the wax is a refined paraffin wax or microcrystalline wax, i.e. polymer wax (Abstract; Col. 2 – Col. 3, line 12; Col. 3, lines 20-47.)

6. Claims 1, 5, 6, 8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitagawa (USPN 4,242,418.) Kitagawa teaches a polyolefin-paper composition comprising a styrene-butadiene acrylic copolymer as an adhesive layer between the polyolefin layer and the paper substrate; wherein the polyolefin layer comprises polyethylene and may further comprise pigments and wherein Kitagawa teaches examples comprising a paper basis weight of 100 g/m² which reads upon about 60 lbs/3000 sq ft as instantly claimed (Abstract; Col. 5, lines 34-64; Col. 6, lines 7-33; Col. 7, line 63-Col. 8, line 27; Examples.)

7. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Knauf (USPN 5,250,348.) Knauf teaches an improved wrapper paper for use in wrapping reams of paper wherein the wrapper comprises a base paper of about 30-about 60 lbs/3000 sq ft; a LDPE layer and wherein an optionally PEI layer can be applied to the paper web prior to application of the PE layer to enhance adherence of the PE to the paper web (Abstract; Col. 2, lines 64-67; Col. 3, lines 20-46; Col. 4, lines 21-47; Col. 8, lines 45-53; Figures.)

8. Claims 1, 5, 6, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirose et al (USPN 4,584,234.) Hirose et al teaches a wrapping material comprising laminated layers of a paper support and at least one polyethylene resin layer superimposed on at least one surface of the paper support, and at least one layer of said wrapping material optionally comprising a light-shielding substance such as in the form of aluminum deposited on the surface

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of the paper (Abstract; Col. 4, lines 16-19; Figures.) Hirose et al teaches that an adhesive layer can be utilized between the paper support and the extruded polyethylene layer to improve adhesiveness (Col. 4, lines 41-55.) Hirose et al further teach an example utilizing a machined paper having a basis weight of 70 g/m² which falls within the instantly claimed range.

Claim Rejections - 35 USC § 103

9. Claims 1, 5, 6, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyde (USPN 2,582,037) in view of Eberl. Hyde teaches a wax coated wrapping paper comprising a paper base with a wrapping weight of 15-150 lbs/ream (3000 sq ft), preferably 20-35 lbs/ream, and a polyethylene wax blend coating applied to the paper base (Abstract; Columns 2-3.) Hyde does not teach polyethylene film applied over the wax coating, however, Eberl teaches that by providing a thermoplastic film such as a polyethylene film over the wax coating and heating to adhere the film to the wax provides improved physical properties to the composite paper wrapping product over wax coated papers (Col. 1, lines 40-56; Col. 3, lines 48-63.) Therefore, one having ordinary skill in the art at the time of the invention would have been motivated to apply a polyethylene or other compatible thermoplastic film as taught by Eberl over the waxed paper substrate taught by Hyde to provide improved physical and mechanical properties to the paper composite. Further, it would have been obvious to one having ordinary skill in the art to provide desired pigments in any of the composite layer to provide a desired color based on a particular end use of the composite.

Response to Arguments

10. Applicant's arguments and declaration with respect to claims 1, 5-6, and 8-12 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 703-308-0428. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



mrj
November 4, 2002